IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 12529 of 2004

Between:

Chappa Krishna Rao, S/o Ramulu, Hindu,
Chairman of Sri Gopalakrishna Vana Samrakshana Samithi, Tripuravanipalem (PO), Kasimkota Mandal, Visakhapatnam District.

..... PETITIONER

AND

1 The Forest Range Officer, Yellamanchilli (PO), Visakhapatnam District.
2 The District Forest Officer, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue rule nisi calling for the records leading upto the inclusive of the proceedings Rc.No. 37 /2001 dt. 12-7-2004 of the 1st respondent and quash the same as being illegal, unjust arbitrary, violative of Art. 14 of the Constitution of India, the principles of natural justice and regulation 'A' calling for General Body meeting of Vana Samrakshana Samithi

Counsel for the Petitioner: MR.E.V.BHAGIRATHA RAO

Counsel for the Respondents.: GP FOR FORESTS

The Court made the following :

ORAL ORDER:

Heard both sides and at their request the main writ petition itself is taken for disposal.

The petitioner, who is the Chairman of Sri Gopalakrishna Vana Samrakshana Samithi, Tripuravanipalem (PO), Kasimkota Mandal, Visakhapatnam District, filed this writ petition inter alia seeking to assail the impugned notice dated 12-7-2004 of the 1st respondent, whereunder the petitioner was asked to present for the purpose of enquiry, as illegal and arbitrary.

The case of the petitioner is that having regard to the nature of allegations, the respondents ought not have taken any action as against the petitioner and there is no necessity for conducting any enquiry. Further, it is also his case that there is no violation or any irregularity committed by him.

Having heard the counsel on either side and on perusal of the material, it is seen that the impugned action is only a notice for conducting enquiry and it is represented by the Government Pleader appearing for the respondents that the petitioner, in fact, did not attend the enquiry and straightaway approached this Court, filed this writ petition and obtained interim stay of all further proceedings.

In view of the same, it is not necessary to go into merits of the case, more so, when

the enquiry is yet to be conducted, where the petitioner can as well submit his explanation of his case in a more pragmatic way which can be considered and appropriate orders can be passed on merits in accordance with law by the respondents. Under the circumstances, I do not find any merit in the writ petition and the same is liable to be dismissed.

Writ petition is accordingly dismissed. No costs.

_____

B. PRAKASH RAO, J

Dt.01-09-04

KVRK

To

1 The Forest Range Officer, Yellamanchilli (PO), Visakhapatnam District.
2 The District Forest Officer, Visakhapatnam.

3. Two copies to GP for Forests, High Court Buildings, Hyd.(OUT).

4. Two CD copies.